

07-23-01

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
10981AZ

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**SOX-9 GENE AND PROTEIN AND USE IN THE REGENERATION OF BONE OR CARTILAGE**

and invented by:

Peter Anthony Koopman  
Peter Neville GoodfellowIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 09/281,476

Which is a:

☐ **Continuation** ☒ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 08/860,635

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.:

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 38 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☒ Formal      b. ☐ Informal      Number of Sheets 21 (Figs 1-10 (c))
4. ☒ Oath or Declaration  
a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted  
b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☒ Paper Copy  
b. ☒ Computer Readable Copy  
c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EL895322362US

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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☒ Additional Enclosures *(please identify below)*:

Copy of Revocation of Prior Powers, Copy of Assignee Certification, Copy of Certification of Assignee Under 37 CFR 3.73(b) and Request to use Computer Readable Form of Sequence Listing from a prior Application.

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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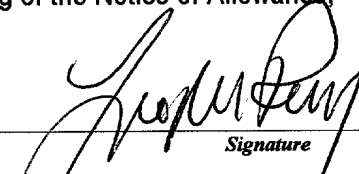
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	12	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	6	- 3 =	3	x \$40.00	\$120.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
Calculate claims as amended by Preliminary Amendment					BASIC FEE \$355.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$475.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 19-3886/RCT as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$475.00 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 20, 2001

  
Signature

Leopold Presser  
Registration No. 19,827  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Peter A. Koopman, et al.**

Docket No.

**10981AZ**Serial No.  
**TO BE ASSIGNED**Filing Date  
**HEREWITH**Examiner  
**UNASSIGNED**Group Art Unit  
**UNASSIGNED**Invention: **SOX-9 GENE AND PROTEIN AND USE IN THE REGENERATION OF BONE OR CARTILAGE**

I hereby certify that the following correspondence:

**New Utility Patent Application (Continuation)***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

**July 20, 2001***(Date)***Janet Grossman***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EL895322362US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Peter A. Koopman, et al.

**Examiner:** Unassigned

**Serial No.:** To Be Assigned

**Art Unit:** Unassigned

**Filed:** Herewith

**Docket:** 10981AZ

**For:** SOX-9 GENE AND PROTEIN  
AND USE IN THE REGENERATION  
OF BONE OR CARTILAGE

**Dated:** July 20, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 1.821(f)**

Sir:

I hereby state that the contents of the paper and computer readable copies of the Sequence

Listing submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, are the same.

Respectfully submitted,



Frank S. DiGiglio  
Registration No. 31,346

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
FSD/XZ:ab

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number: EL895322362US

Date of Deposit: July 20, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

Dated: July 20, 2001

  
Janet Grossman

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter A. Koopman, et al. Examiner: Unassigned  
Serial No.: To Be Assigned Art Unit: Unassigned  
Filed: Herewith Docket: 10981AZ  
For: SOX-9 GENE AND PROTEIN Dated: July 20, 2001  
AND USE IN THE REGENERATION  
OF BONE OR CARTILAGE

Assistant Commissioner for Patents  
Washington, DC 20231

REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE  
LISTING FROM ANOTHER APPLICATION UNDER 37 C.F.R. §1.821(e)

Sir:

The computer readable form of the Sequence Listing in the above-identified patent application is identical to that filed in Application Serial Number: 09/281,476 on March 30, 1999. In accordance with 37 C.F.R. §1.821(e), Applicants respectfully request that the computer readable form filed in Application Serial Number 09/281,476 be used as the computer readable form in the above-identified application.

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail mailing label number: EL895322362US  
Date of Deposit: July 20, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee service under 37 C.F.R. §1.10 on the date indicated above addressed to: Assistant Commissioner for Patents and Trademarks, Washington, DC 20231.

Dated: July 20, 2001

Janet Grossman  
Janet Grossman

It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form used in the above-identified application. A paper copy of the Sequence Listing is separately attached with this submission.

Accordingly, the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



Frank S. DiGiglio  
Registration No. 31,346

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